

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

In re: BEECH-NUT NUTRITION
COMPANY BABY FOOD LITIGATION

Master File No. 1:21-CV-00133-DNH-CFH

This Document Relates To:
ALL ACTIONS

**STIPULATION AND ORDER TO MODIFY
THE BRIEFING SCHEDULE RELATED TO DEFENDANT'S MOTION TO DISMISS
PLAINTIFFS' CONSOLIDATED AMENDED CLASS ACTION COMPLAINT**

IT IS HEREBY STIPULATED and agreed by and between Plaintiffs in this action and Defendant Beech-Nut Nutrition Company (“Defendant”) as follows:

WHEREAS on June 24, 2022, Plaintiffs filed a Consolidated Amended Class Action Complaint (*see* ECF No. 175);

WHEREAS, on August 29, 2022, Defendant filed a Motion to Dismiss the Consolidated Amended Complaint (“Motion”) (*see* ECF No. 189);

WHEREAS, pursuant to the parties’ stipulation entered by the Court on May 4, 2022, Plaintiffs’ deadline to file a brief in opposition to Defendant’s Motion is October 10, 2022, and Defendant’s deadline to file a reply brief in support of its Motion is November 7, 2022 (*see* ECF No. 171);

WHEREAS, Plaintiffs desire a seven-day extension in the briefing schedule from October 10, 2022 to October 17, 2022, in order to adequately address Defendant’s numerous arguments and case law, which Plaintiffs believe will assist the Court in its consideration of the Motion;

WHEREAS, on October 2, 2022, Plaintiffs’ counsel conferred with Defendant’s counsel, and Defendant does not oppose Plaintiffs’ requested extension of time provided its deadline to

submit its reply brief in support of its Motion is extended from November 7, 2022 to November 14, 2022;

NOW THEREFORE, Plaintiffs and Defendant through their respective counsel and subject to the Court's approval stipulate that:

1. Plaintiffs shall file a brief in opposition to the Motion on or before October 17, 2022; and
2. Defendant shall file a reply brief in support of its Motion on or before November 14, 2022.

IT IS SO STIPULATED

Dated: October 3, 2022

Respectfully submitted,
SCOTT+SCOTT ATTORNEYS AT LAW LLP

By: /s/ Erin Green Comite
Erin Green Comite (Bar Roll #702705)
156 S. Main St.
P.O. Box 192
Colchester, CT 06415
Tel.: (860) 537-5537
Fax: (860) 537-4432
ecomite@scott-scott.com

Joseph P. Guglielmo (Bar Roll #702673)
Sean T. Masson (Bar Roll #702794)
Amanda M. Rolon (*pro hac vice*)
The Helmsley Building
230 Park Ave., 17th Floor
New York, N.Y. 10169
Tel.: (212) 223-6334
Fax: (212) 223-6444
jguglielmo@scott-scott.com
smasson@scott-scott.com
arolon@scott-scott.com

Steven L. Bloch (Bar Roll #509339)
Ian W. Sloss (Bar Roll #702557)
Zachary Rynar (Bar Roll #702588)
SILVER GOLUB & TEITELL LLP

184 Atlantic Street
Stamford, CT 06901
Tel.: (203) 325-4491
Fax: (203) 325-3769
sbloch@sgtlaw.com
isloss@sgtlaw.com
zrynar@sgtlaw.com

Co-Lead Interim Counsel for Plaintiffs and the Putative Class

James E. Hacker (Bar Roll #101888)
Julie A. Nociolo (Bar Roll #519914)
**E. STEWART JONES HACKER MURPHY,
LLP**
28 Second Street, Suite 203
Troy, N.Y. 12180
Tel.: (518) 274-5820
Fax: (518) 274-5875
hacker@joneshacker.com
jnociolo@joneshacker.com

Liaison Counsel

Aaron M. Zigler (Bar Roll #703294)
Robin H. Silverman (*pro hac vice*)
ZIGLER LAW GROUP, LLC
308 S. Jefferson Street, Suite 333
Chicago, IL 60661
Tel.: (312) 535-5995
aaron@ziglerlawgroup.com
robin.horton@ziglerlawgroup.com

Troy E. Walton (*pro hac vice*)
Stephen J. Telken (*pro hac vice*)
WALTON TELKEN, LLC
241 N. Main Street
Edwardsville, IL 62025
Tel.: (618) 307-9880
twalton@waltontelken.com

Additional Counsel for Plaintiffs

/s/ Livia M. Kiser

Livia M. Kiser (ARDC No. 6275283)
Rachael M. Trummel (ARDC No. 6274278)

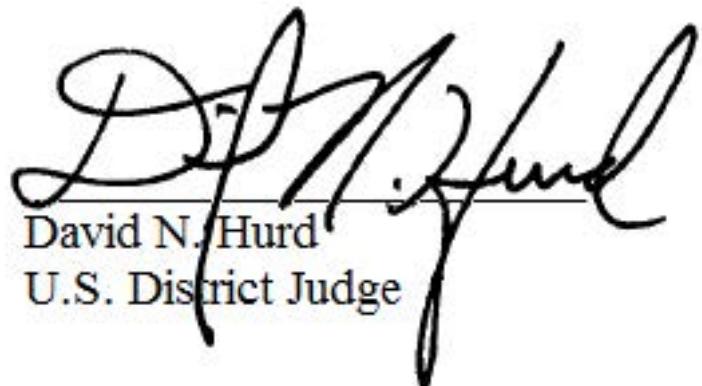
KING & SPALDING LLP
110 N. Wacker Drive, Suite 3800
Chicago, IL 60606
Ph: 312.995.6333
Fax: 312.995.6330
lkiser@kslaw.com
rtrummel@kslaw.com

*Attorneys for Defendant
Beech-Nut Nutrition Company*

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: October 3, 2022



A handwritten signature in black ink, appearing to read "David N. Hurd". Below the signature, the name "David N. Hurd" is printed in a standard font, followed by "U.S. District Judge".